

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

VINCENT RALPH,

Civ. No. 05-3093-AA

Plaintiff,

OPINION AND ORDER

v.

FRED LONG,

Defendant.

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AIKEN, Judge:

Plaintiff, appearing pro se, filed suit against Fred Long, titling his complaint, "Libel of Review." Based on the allegations in the document and attachments, plaintiff claims that defendant, the Bankruptcy Trustee in an underlying Chapter 13 bankruptcy proceeding involving plaintiff as debtor, improperly asserted that plaintiff had failed to make payments required by the Chapter 13

plan and that plaintiff was in default. See Motion by Trustee to Dismiss Case and Notice Thereon, attached to "Libel of Review."

Defendant now moves to dismiss plaintiff's claims against him, arguing that plaintiff fails to state a claim upon which relief can be granted, the court lacks subject matter jurisdiction, and defendant is immune from liability for actions taken in his capacity as a United States Bankruptcy Court Trustee. I agree.

Plaintiff apparently contests defendant's actions in formulating the Chapter 13 plan or finding plaintiff in default. In either case, objections to defendant's actions as Trustee are within the jurisdiction of the United States Bankruptcy Court and should be resolved by the bankruptcy judge. Further, "bankruptcy trustees enjoy broad immunity from suit when acting within the scope of their authority." Bennett v. Williams, 892 F.2d 822, 823 (9th Cir. 1989).

In response to defendant's motion, plaintiff filed several documents, including those "Refused for Cause" and a copy of his "Complaint at Law for Damages and Action to Quiet Title" filed in the Jackson County Circuit Court. However, plaintiff presents no facts or authority to support his claims against defendant. Therefore, plaintiff fails to allege facts supporting jurisdiction in this court and also fails to state a claim upon which relief can be granted. See Fed. R. Civ. P. 12(b)(6).

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Accordingly, defendant's Rule 12 Motions to Dismiss (doc. 5)  
are GRANTED. This case is hereby DISMISSED.  
IT IS SO ORDERED.

DATED this 24 day of January, 2006.

\_\_\_\_\_/s/ Ann Aiken\_\_\_\_\_  
Ann Aiken  
United States District Judge